



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0595

Introduced 2/8/2007, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.02

from Ch. 23, par. 6104.02

20 ILCS 105/4.08 new

Amends the Illinois Act on the Aging. Adds medication management to a program of services that the Department on Aging shall establish to prevent unnecessary institutionalization of persons age 60 and older in need of long term care. Provides that the Department shall establish a program to assist persons 60 years of age or older in managing their medications through agreements with local case coordination units. Requires the Department to establish guidelines and standards for the program by rule. Defines "licensed health care professional". Provides guidelines for the program. Effective immediately.

LRB095 09779 CMK 29989 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Act on the Aging is amended by
5 changing Section 4.02 and by adding Section 4.08 as follows:

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

7 Sec. 4.02. The Department shall establish a program of
8 services to prevent unnecessary institutionalization of
9 persons age 60 and older in need of long term care or who are
10 established as persons who suffer from Alzheimer's disease or a
11 related disorder under the Alzheimer's Disease Assistance Act,
12 thereby enabling them to remain in their own homes or in other
13 living arrangements. Such preventive services, which may be
14 coordinated with other programs for the aged and monitored by
15 area agencies on aging in cooperation with the Department, may
16 include, but are not limited to, any or all of the following:

17 (a) home health services;

18 (b) home nursing services;

19 (c) homemaker services;

20 (d) chore and housekeeping services;

21 (e) adult day services;

22 (f) home-delivered meals;

23 (g) education in self-care;

- 1 (h) personal care services;
- 2 (i) adult day health services;
- 3 (j) habilitation services;
- 4 (k) respite care;
- 5 (k-5) community reintegration services;
- 6 (l) other nonmedical social services that may enable
- 7 the person to become self-supporting; ~~or~~
- 8 (m) medication management; or
- 9 (n) ~~(m)~~ clearinghouse for information provided by
- 10 senior citizen home owners who want to rent rooms to or
- 11 share living space with other senior citizens.

12 The Department shall establish eligibility standards for

13 such services taking into consideration the unique economic and

14 social needs of the target population for whom they are to be

15 provided. Such eligibility standards shall be based on the

16 recipient's ability to pay for services; provided, however,

17 that in determining the amount and nature of services for which

18 a person may qualify, consideration shall not be given to the

19 value of cash, property or other assets held in the name of the

20 person's spouse pursuant to a written agreement dividing

21 marital property into equal but separate shares or pursuant to

22 a transfer of the person's interest in a home to his spouse,

23 provided that the spouse's share of the marital property is not

24 made available to the person seeking such services.

25 Beginning July 1, 2002, the Department shall require as a

26 condition of eligibility that all financially eligible

1 applicants and recipients apply for medical assistance under
2 Article V of the Illinois Public Aid Code in accordance with
3 rules promulgated by the Department.

4 The Department shall, in conjunction with the Department of
5 Public Aid (now Department of Healthcare and Family Services),
6 seek appropriate amendments under Sections 1915 and 1924 of the
7 Social Security Act. The purpose of the amendments shall be to
8 extend eligibility for home and community based services under
9 Sections 1915 and 1924 of the Social Security Act to persons
10 who transfer to or for the benefit of a spouse those amounts of
11 income and resources allowed under Section 1924 of the Social
12 Security Act. Subject to the approval of such amendments, the
13 Department shall extend the provisions of Section 5-4 of the
14 Illinois Public Aid Code to persons who, but for the provision
15 of home or community-based services, would require the level of
16 care provided in an institution, as is provided for in federal
17 law. Those persons no longer found to be eligible for receiving
18 noninstitutional services due to changes in the eligibility
19 criteria shall be given 60 days notice prior to actual
20 termination. Those persons receiving notice of termination may
21 contact the Department and request the determination be
22 appealed at any time during the 60 day notice period. With the
23 exception of the lengthened notice and time frame for the
24 appeal request, the appeal process shall follow the normal
25 procedure. In addition, each person affected regardless of the
26 circumstances for discontinued eligibility shall be given

1 notice and the opportunity to purchase the necessary services
2 through the Community Care Program. If the individual does not
3 elect to purchase services, the Department shall advise the
4 individual of alternative services. The target population
5 identified for the purposes of this Section are persons age 60
6 and older with an identified service need. Priority shall be
7 given to those who are at imminent risk of
8 institutionalization. The services shall be provided to
9 eligible persons age 60 and older to the extent that the cost
10 of the services together with the other personal maintenance
11 expenses of the persons are reasonably related to the standards
12 established for care in a group facility appropriate to the
13 person's condition. These non-institutional services, pilot
14 projects or experimental facilities may be provided as part of
15 or in addition to those authorized by federal law or those
16 funded and administered by the Department of Human Services.
17 The Departments of Human Services, Healthcare and Family
18 Services, Public Health, Veterans' Affairs, and Commerce and
19 Economic Opportunity and other appropriate agencies of State,
20 federal and local governments shall cooperate with the
21 Department on Aging in the establishment and development of the
22 non-institutional services. The Department shall require an
23 annual audit from all chore/housekeeping and homemaker vendors
24 contracting with the Department under this Section. The annual
25 audit shall assure that each audited vendor's procedures are in
26 compliance with Department's financial reporting guidelines

1 requiring an administrative and employee wage and benefits cost
2 split as defined in administrative rules. The audit is a public
3 record under the Freedom of Information Act. The Department
4 shall execute, relative to the nursing home prescreening
5 project, written inter-agency agreements with the Department
6 of Human Services and the Department of Healthcare and Family
7 Services, to effect the following: (1) intake procedures and
8 common eligibility criteria for those persons who are receiving
9 non-institutional services; and (2) the establishment and
10 development of non-institutional services in areas of the State
11 where they are not currently available or are undeveloped. On
12 and after July 1, 1996, all nursing home prescreenings for
13 individuals 60 years of age or older shall be conducted by the
14 Department.

15 As part of the Department on Aging's routine training of
16 case managers and case manager supervisors, the Department may
17 include information on family futures planning for persons who
18 are age 60 or older and who are caregivers of their adult
19 children with developmental disabilities. The content of the
20 training shall be at the Department's discretion.

21 The Department is authorized to establish a system of
22 recipient copayment for services provided under this Section,
23 such copayment to be based upon the recipient's ability to pay
24 but in no case to exceed the actual cost of the services
25 provided. Additionally, any portion of a person's income which
26 is equal to or less than the federal poverty standard shall not

1 be considered by the Department in determining the copayment.
2 The level of such copayment shall be adjusted whenever
3 necessary to reflect any change in the officially designated
4 federal poverty standard.

5 The Department, or the Department's authorized
6 representative, shall recover the amount of moneys expended for
7 services provided to or in behalf of a person under this
8 Section by a claim against the person's estate or against the
9 estate of the person's surviving spouse, but no recovery may be
10 had until after the death of the surviving spouse, if any, and
11 then only at such time when there is no surviving child who is
12 under age 21, blind, or permanently and totally disabled. This
13 paragraph, however, shall not bar recovery, at the death of the
14 person, of moneys for services provided to the person or in
15 behalf of the person under this Section to which the person was
16 not entitled; provided that such recovery shall not be enforced
17 against any real estate while it is occupied as a homestead by
18 the surviving spouse or other dependent, if no claims by other
19 creditors have been filed against the estate, or, if such
20 claims have been filed, they remain dormant for failure of
21 prosecution or failure of the claimant to compel administration
22 of the estate for the purpose of payment. This paragraph shall
23 not bar recovery from the estate of a spouse, under Sections
24 1915 and 1924 of the Social Security Act and Section 5-4 of the
25 Illinois Public Aid Code, who precedes a person receiving
26 services under this Section in death. All moneys for services

1 paid to or in behalf of the person under this Section shall be
2 claimed for recovery from the deceased spouse's estate.
3 "Homestead", as used in this paragraph, means the dwelling
4 house and contiguous real estate occupied by a surviving spouse
5 or relative, as defined by the rules and regulations of the
6 Department of Healthcare and Family Services, regardless of the
7 value of the property.

8 The Department shall develop procedures to enhance
9 availability of services on evenings, weekends, and on an
10 emergency basis to meet the respite needs of caregivers.
11 Procedures shall be developed to permit the utilization of
12 services in successive blocks of 24 hours up to the monthly
13 maximum established by the Department. Workers providing these
14 services shall be appropriately trained.

15 Beginning on the effective date of this Amendatory Act of
16 1991, no person may perform chore/housekeeping and homemaker
17 services under a program authorized by this Section unless that
18 person has been issued a certificate of pre-service to do so by
19 his or her employing agency. Information gathered to effect
20 such certification shall include (i) the person's name, (ii)
21 the date the person was hired by his or her current employer,
22 and (iii) the training, including dates and levels. Persons
23 engaged in the program authorized by this Section before the
24 effective date of this amendatory Act of 1991 shall be issued a
25 certificate of all pre- and in-service training from his or her
26 employer upon submitting the necessary information. The

1 employing agency shall be required to retain records of all
2 staff pre- and in-service training, and shall provide such
3 records to the Department upon request and upon termination of
4 the employer's contract with the Department. In addition, the
5 employing agency is responsible for the issuance of
6 certifications of in-service training completed to their
7 employees.

8 The Department is required to develop a system to ensure
9 that persons working as homemakers and chore housekeepers
10 receive increases in their wages when the federal minimum wage
11 is increased by requiring vendors to certify that they are
12 meeting the federal minimum wage statute for homemakers and
13 chore housekeepers. An employer that cannot ensure that the
14 minimum wage increase is being given to homemakers and chore
15 housekeepers shall be denied any increase in reimbursement
16 costs.

17 The Community Care Program Advisory Committee is created in
18 the Department on Aging. The Director shall appoint individuals
19 to serve in the Committee, who shall serve at their own
20 expense. Members of the Committee must abide by all applicable
21 ethics laws. The Committee shall advise the Department on
22 issues related to the Department's program of services to
23 prevent unnecessary institutionalization. The Committee shall
24 meet on a bi-monthly basis and shall serve to identify and
25 advise the Department on present and potential issues affecting
26 the service delivery network, the program's clients, and the

1 Department and to recommend solution strategies. Persons
2 appointed to the Committee shall be appointed on, but not
3 limited to, their own and their agency's experience with the
4 program, geographic representation, and willingness to serve.
5 The Committee shall include, but not be limited to,
6 representatives from the following agencies and organizations:

7 (a) at least 4 adult day service representatives;

8 (b) at least 4 case coordination unit representatives;

9 (c) at least 4 representatives from in-home direct care
10 service agencies;

11 (d) at least 2 representatives of statewide trade or
12 labor unions that represent in-home direct care service
13 staff;

14 (e) at least 2 representatives of Area Agencies on
15 Aging;

16 (f) at least 2 non-provider representatives from a
17 policy, advocacy, research, or other service organization;

18 (g) at least 2 representatives from a statewide
19 membership organization for senior citizens; and

20 (h) at least 2 citizen members 60 years of age or
21 older.

22 Nominations may be presented from any agency or State
23 association with interest in the program. The Director, or his
24 or her designee, shall serve as the permanent co-chair of the
25 advisory committee. One other co-chair shall be nominated and
26 approved by the members of the committee on an annual basis.

1 Committee members' terms of appointment shall be for 4 years
2 with one-quarter of the appointees' terms expiring each year.
3 At no time may a member serve more than one consecutive term in
4 any capacity on the committee. The Department shall fill
5 vacancies that have a remaining term of over one year, and this
6 replacement shall occur through the annual replacement of
7 expiring terms. The Director shall designate Department staff
8 to provide technical assistance and staff support to the
9 committee. Department representation shall not constitute
10 membership of the committee. All Committee papers, issues,
11 recommendations, reports, and meeting memoranda are advisory
12 only. The Director, or his or her designee, shall make a
13 written report, as requested by the Committee, regarding issues
14 before the Committee.

15 The Department on Aging and the Department of Human
16 Services shall cooperate in the development and submission of
17 an annual report on programs and services provided under this
18 Section. Such joint report shall be filed with the Governor and
19 the General Assembly on or before September 30 each year.

20 The requirement for reporting to the General Assembly shall
21 be satisfied by filing copies of the report with the Speaker,
22 the Minority Leader and the Clerk of the House of
23 Representatives and the President, the Minority Leader and the
24 Secretary of the Senate and the Legislative Research Unit, as
25 required by Section 3.1 of the General Assembly Organization
26 Act and filing such additional copies with the State Government

1 Report Distribution Center for the General Assembly as is
2 required under paragraph (t) of Section 7 of the State Library
3 Act.

4 Those persons previously found eligible for receiving
5 non-institutional services whose services were discontinued
6 under the Emergency Budget Act of Fiscal Year 1992, and who do
7 not meet the eligibility standards in effect on or after July
8 1, 1992, shall remain ineligible on and after July 1, 1992.
9 Those persons previously not required to cost-share and who
10 were required to cost-share effective March 1, 1992, shall
11 continue to meet cost-share requirements on and after July 1,
12 1992. Beginning July 1, 1992, all clients will be required to
13 meet eligibility, cost-share, and other requirements and will
14 have services discontinued or altered when they fail to meet
15 these requirements.

16 (Source: P.A. 93-85, eff. 1-1-04; 93-902, eff. 8-10-04; 94-48,
17 eff. 7-1-05; 94-269, eff. 7-19-05; 94-336, eff. 7-26-05;
18 94-954, eff. 6-27-06.)

19 (20 ILCS 105/4.08 new)

20 Sec. 4.08. Medication management program. The Department
21 shall establish a program to assist persons 60 years of age or
22 older in managing their medications through agreements with
23 local case coordination units. The Department shall establish
24 guidelines and standards for the program by rule. The program
25 may include but not be limited to the use of a licensed health

1 care professional to provide such services as medication
2 reminders, medication monitoring, medication set-up, and
3 storage of medication. The licensed health care professional
4 may also interface with the client's caregivers, pharmacist,
5 and physicians. For the purposes of this Section, "licensed
6 health care professional" means a registered professional
7 nurse, an advanced practice nurse, or a physician assistant.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.